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President Erdoğan:

Prospects for a Strong Presidency

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Introduction

Upon assuming the role of Turkey's first directly elected president, former Prime Minister of Turkey Recep Tayyip Erdoğan promised to create a "New Turkey,"¹ and asserted that he aspires to be a new type of president—a "people's president" imbued by a popular mandate, exercising significant authority.²

The presidency in Turkey has been historically regarded as a ceremonial—though prestigious—position, but President Erdoğan intends to change that.³ "I will not be a traditional president; a president that follows the precedent," he pledged during his campaign, but "I will fulfill presidential duties as they are described in the Constitution."⁴ One way for Erdoğan to uphold this pledge would be to amend the constitution to bolster the authorities bestowed upon the president. It is a move he has considered in the past.⁵

But it is not a move that appears realistic now, unless Erdoğan's ruling AKP (Justice and Development Party, *Adalet ve Kalkınma Partisi*) is able to gain more seats in parliament in the 2015 elections. Until then, as Ibrahim Kalin, a top advisor to Erdoğan explained, "If Erdoğan is elected, Turkey will have a strong president without a formal presidential system. ... The current Constitution does not allow for a full-blown presidential system. But the powers of the president make it a hybrid system. This needs to be understood properly."⁶

An examination of the current constitution is necessary to assess the potential presidential powers that Erdoğan can wield without any further constitutional changes. A historical look at the powers of Turkish presidents and prime ministers—in law and in practice—will supplement this constitutional analysis to determine how the presidency has evolved, especially in relation to the prime ministry.

The Modern Turkish Presidency, the 1982 Constitution, and Subsequent Amendments

On August 10, 2014, former Prime Minister Erdoğan became Turkey's first directly elected president. Backed by this popular mandate, Erdoğan has vowed to use the powers of the presidency to the greatest extent possible and has installed a prime minister, former Foreign Minister Ahmet Davutoğlu, whom he believes will be deferential to his authority and vision.

Erdoğan has advocated for and is expected to enact drastic amendments to the Turkish constitution to create a strong presidential system. Turkey's current constitution is only about 30 years old, having been put in place by referendum in late 1982.⁷

In 1980, a right-wing military junta led by General Kenan Evren carried out a coup against the Turkish government. Following nearly a decade of violence and political instability, Evren established martial law, abolished parliament and the government, suspended the constitution, and banned all political parties and trade unions. In 1982, the military regime put in place a new constitution, approved in a national referendum, which remains in force to this day. Evren stayed on the scene as the appointed president, under a constitutional clause that named him as Turkey's transitional leader until 1989.

Put in place by the military-dominated government, the 1982 constitution reflected the authoritarian character of its creation. "No protection shall be afforded to thoughts or opinions contrary to Turkish national interests; to the principle of the existence of Turkey as an indivisible entity with its state and territory; to Turkish historical and moral values; or to the nationalism, principles, reforms, and modernism of Atatürk," reads the constitution's preamble, setting out its goal of protecting the Turkish state from its citizens, rather than protecting citizens from the state.⁸ The constitution also put in place several mechanisms for the military to check the power of democratically elected leaders, allowing the military-dominated National Security Council the ability to make "recommendations" to the civilian government.

Under the original 1982 constitution, the president would be eligible to serve one seven-year term; a 2007 constitutional amendment allowed the president to be reelected for a second term, but reduced presidential term length to five years. A more significant

amendment was also passed in 2007—while the president was formerly elected by members of parliament, future presidential elections would be put to direct popular vote. This change came about in order to overcome parliamentary, judicial, and military resistance to the potential presidency of religious candidates.

Though the office of the president is undoubtedly weaker than that of the prime minister, the president has significant powers at his disposal under the current constitution—powers that Erdoğan can be expected to make full use of, where past presidents have not.

The duties and powers of the Turkish president listed in Article 104 of the constitution are divided into three sections, one for each branch of the government. The first section (Article 104.a) enumerates the president's powers related to the legislature. These include substantial capabilities, such as the ability to return laws to the Turkish Grand National Assembly to be reconsidered (which can be overridden by a majority in parliament), to dissolve parliament and call for new elections (which no president has yet done), and to appeal to the Constitutional Court for an annulment of laws. More significant given Erdoğan's intentions to transform the office, the president can submit legislation regarding constitutional amendments to a national referendum, requiring the approval of more than half of the valid votes cast.

The second section of presidential powers and duties (Article 104.b) lists the president's executive functions. While the legislative powers would offer Erdoğan somewhat indirect means of influence, the executive powers allotted to the president would give him substantial leeway in governing out of the presidential palace. These powers, including the right to appoint the prime minister and to preside over the Council of Ministers (the Cabinet), allow for plenty of political maneuvering. Moreover, the president has significant control over the military, acting as commander-in-chief, appointing the chief of general staff, and presiding over the National Security Council. Perhaps most chilling to political opponents is the president's prerogative to proclaim martial law or a state of emergency. The president can also appoint members of the Higher Education Council, rectors of universities, and members of the State Supervisory Council, which can undertake investigations of public entities at the president's request—a power Erdoğan might be tempted to use in his struggle with the Gülen Movement (or *hizmet*, "service" in Turkish) in order to save his own neck.⁹

Finally, the president has significant powers relating to the judiciary (listed in Article 104.c). The single most important of these is undoubtedly the ability to appoint members of the Constitutional Court, one wing of the government that has curbed some of Erdoğan's worst tendencies, striking down a recent ban on Twitter and ordering a retrial of 230 suspects in the *Balyoz* ("sledgehammer") coup case.¹⁰ More specifically, the president appoints 14 of the 17 members of the Constitutional Court to 12-year, non-renewable terms. Lower courts also fall under the president's purview; the president appoints the chief and deputy chief public prosecutor of the High Court of Appeals, members of the Military High Court of Appeals, and members of the Supreme Military Administrative Court. A strong president can

thus significantly influence the judiciary on his own and the military through its court system.

Most of the president's powers fall into the three categories described above. Still, there are additional privileges that can insulate the president from political pressures. For example, Article 105 of the constitution on "Presidential Accountability and Non-Accountability" makes the prime minister and any relevant ministers culpable for presidential decrees that require their signatures. This constitutional shield for the Turkish president admits legal accountability only in one particularly egregious instance, when the president is "impeached for high treason on the proposal of at least one-third of the total number of members of the Turkish Grand National Assembly, and by the decision of at least three-quarters of the total number of members."

With Erdoğan as president and a sufficiently deferential prime minister, Davutoğlu will take the blame for any of Erdoğan's failings and, legally, he may be obligated to do so. Furthermore, when the president takes actions that do not require anyone else's approval, "[n]o appeal shall be made to any legal authority, including the Constitutional Court."

Although Erdoğan has made clear his desire to amend the constitution—a task that is about more than self-aggrandizement—he has also displayed awareness that the current constitution will allow him to exercise substantial powers as president.¹¹ Despite the traditionally ceremonial nature of the modern Turkish presidencies, Erdoğan appears to be correct: within limits, the Turkish presidency is what the officeholder makes of it.

History of the Turkish Presidency

Although Erdoğan hopes to make the traditionally weak presidency a more powerful position, such a move is not unprecedented. Moreover, Erdoğan is not the first to attempt to govern from the presidency under the current constitution. It is worth examining previous constitutions and historical practice to put Erdoğan's plans into context.

Atatürk and the 1924 Constitution

The Turkish Republic's first constitution was ratified in April 1924, nearly six months after the establishment of the republic, and remained in effect until 1960, covering the formational period of the country and the early years of the multi-party system.¹² The parliament was established as the seat of power in the new government—according to Article 5 of the 1924 constitution, “The legislative and executive powers are vested and centered in the Grand National Assembly.” On paper, the presidency was clearly intended to be a more ceremonial position, the head of state rather than head of government. Still, the president enjoyed some important powers; for example, the ability to return laws to parliament for reconsideration, and a degree of control over the military.¹³

Not to be deterred by constitutional strictures, Atatürk steered the country from the presidency for as long as he was alive. There has been no stronger president—no stronger leader of any sort—in modern Turkish history. As head of the Republican People's Party (CHP, *Cumhuriyet Halk Partisi*), he fundamentally transformed Turkey and laid the foundations for a multi-party democracy. The circumstances surrounding his rule are nearly impossible to replicate, but the manner in which Atatürk ruled, largely through force of personality, left a significant imprint on Turkish politics. That is, Turkish politics is still very much about personalities.

The Early Multi-Party Period: From Presidents to Prime Ministers

After Atatürk's death in 1938, İsmet İnönü took his place and upheld the president's primacy in Turkish politics. Slowly, however, İnönü initiated the reforms necessary to make Turkey a competitive, multi-party democracy. The National Development Party was founded in 1945 in opposition to the CHP, but it did not make much of an impact. The following year, however, a group of right-leaning former members of the CHP formed the Democratic Party (DP, *Demokrat Parti*). Initially led by Celâl Bayar, the DP won 64 of 465 seats in parliament

in the 1946 general election, a respectable result considering that it was founded in the same year.

By 1950, the DP was more organized and increasingly popular. Hewing closer to the periphery in Turkey's center-periphery divide, the DP garnered the votes of many rural voters who believed that the CHP was out of touch and perhaps even hostile to the average Turk.¹⁴ Indeed, the DP beat the CHP by a landslide in just its second election, winning 408 of 487 seats. Adnan Menderes, one of the founders of the party, became prime minister, while Bayar was elected president. Although the pair did not always govern effectively, they were the first to adhere to the constitutional structure that put the prime minister ahead of the president. Bayar was an influential figure, but Menderes was the leading figure in Turkish politics for as long as he retained the position of prime minister.

After nearly ten years in power, the military led its first coup against the DP. Menderes, Bayar, and other high-ranking officials were arrested for a combination of corruption, attempts to subjugate the military to civilian control, and failed economic policies. Charged with embezzling state funds, abrogating the constitution, and ordering a major pogrom against Greeks in Istanbul, Menderes was quickly convicted and executed. Bayar would be jailed and released after seven years. Others, such as Foreign Minister Fatin Rüştü Zorlu and Finance Minister Hasan Polatkan, were given the death penalty while 12 other party members received life imprisonment. Meanwhile, the military set to work on a new constitution.

The 1961 Constitution: Prime Ministers Ascendant

A new constitution did not immediately emerge in the wake of the 1960 coup. It took just over a year, while the military acted as custodian of the government, before a new constitution would be produced and subjected to a referendum. Passing with 61.7 percent of the vote, the new constitution did not significantly change the relationship between prime minister and president.¹⁵ The president was still meant to be a ceremonial position with limited responsibilities. Specifically, the president was granted the authority to ratify treaties, grant pardons, and return laws to parliament (an act that parliament could override with a simple majority). In short, the president retained many of the powers vested in the office by the 1924 constitution.

The military, however, took steps to ensure the prime minister would remain the primary political actor in Turkish politics. Most significantly, the president would no longer be allowed to stand for reelection, and he or she would be required to renounce any party affiliations (Article 95). Still, the president was allowed to appoint the prime minister, and, as in the 1982 constitution, the prime minister's nominations for other ministerial positions required the president's approval (Article 104 & 105). Thus, while the balance of power between president and prime minister shifted more toward the prime minister under the 1961 constitution, an activist president could still exercise important political powers.

In practice, the 1961 constitution produced more powerful prime ministers. While this was not universally the case, İnönü set a powerful precedent as the first civilian prime minister under the new constitution. Notably, this time period also saw Turkey's first coalition governments as no party won a majority of seats in the 1961 elections—the CHP received the most votes but won only 173 of 450 seats. This trend continued for most of the 1960s, and like governments of the 1950s, the coalitions proved unable to adequately manage the economy. Amid economic instability, domestic polarization intensified and led to violent clashes between left- and right-wing groups. Islamist politician Necmettin Erbakan won a parliamentary seat as an independent in 1969, after which he set up the first explicitly pro-Islamic party in modern Turkey, the National Order Party, in 1970. Bent as it was on challenging Turkey's secular order, the courts banned the party in 1971 for violating the constitution. The military felt compelled to step into politics once again.

The coup of 1971, known as the “coup by memorandum” due to the military's ultimatum rather than a forcible seizure of power, did not result in the same constitutional overhauls as the previous coup. Although some amendments were made to the 1961 constitution, it remained largely intact—at least, the relationship between president and prime minister stayed the same. The military ruled through a friendly government while suppressing the various groups that had contributed to the past decade's instability, though they focused most heavily on left-wing groups. During this part-military, part-civilian rule, İnönü eventually lost his position as party leader to Bülent Ecevit in 1972. A year later, Ecevit would win general elections and establish a coalition government without the military's assistance.

The remainder of the 1970s would mirror the 1960s—the landscape was dominated by economic instability, political fragmentation, and frequent changes of government. For most of the decade, Ecevit was trading electoral victories with Süleyman Demirel, leader of the Justice Party (AP, *Adalet Partisi*), a successor to the conservative DP. By 1980, Demirel would have six terms as prime minister to his name (some of which occurred before the 1971 coup); Ecevit had three. All the while, the Turkish presidency remained the ceremonial position that the writers of the 1961 constitution had intended it to be. However, that constitution would become void soon after the military once again took power in 1980.

The 1982 Constitution: An Uneasy Balance

Details of the 1982 constitution, a document crafted while Turkey remained under military rule, have been recounted above. The prime minister was still meant to be the dominant force in Turkish politics, and the presidency was to remain secondary to the prime minister—albeit a position with great prestige as a symbol of the state and the position held by Atatürk, which is why individuals like Demirel were inclined to seek it. However, the powers of the presidency under the new constitution were significantly greater than those granted under the 1961 constitution; this was closer to the 1924 constitution that ultimately allowed Atatürk to govern from the seat of the presidency. As such, the current constitution allows for a degree of ambiguity; the president is still considered secondary to the prime

minister, but this is partly due to a tradition of deference. Though the presidency was imbued with significant powers, Evren did not use them to their fullest extent while in office. A president determined to govern the country can do so if the parliament and prime minister are willing to go along with it.

ÖZAL

Indeed, Erdoğan would not be the first under the current constitution to attempt to govern from the presidency. That distinction goes to Turgut Özal, who first became prime minister in 1983. Heading the Motherland Party (ANAP, *Anavatan Partisi*) in the first general election following a period of military rule, Özal's center-right party was most famous for the economic liberalization that began under his watch.¹⁶ Özal won a second term as prime minister in 1987; General Kenan Evren, the mastermind of the 1980 coup, had assumed the presidency in 1982 and served with Özal until the end of his term in 1989. With the economy stalling in the late 1980s and Özal growing fearful for his party's electoral prospects in looming general elections and his declining popularity and damaged reputation, he manufactured his ascent to the presidency.¹⁷ Upon making that transition, he ensured that a follower of his, Yıldırım Akbulut, was appointed prime minister. Unable to fully control Akbulut, despite public assurances that the two would "work in harmony," Özal saw it necessary to assert his authority at every opportunity.¹⁸ He publicly criticized the government when he was not consulted on important matters, typically on the economy, and pursued his own agenda on foreign policy. Although opposition parties heaped criticism upon Özal and accused him of exceeding the constitutional powers allotted to the president, it was opposition from within his own party that first impeded his plans.

In June 1991, Akbulut's term as party leader (and therefore as prime minister) came to an end, and Foreign Minister Mesut Yılmaz replaced him. Özal sought to ensure a more pliant candidate won the prime ministry, as he did not get along well with Yılmaz. After Özal's election in 1989, Yılmaz has led the intraparty opposition to Prime Minister Akbulut. Indeed, while Özal was making plans for a presidential system, Yılmaz declared his intention to bring the relationship between prime minister and president to a balance more in line with the constitution.¹⁹ He and Özal sparred for only a few months before Yılmaz was unseated in parliamentary elections.

Özal's Motherland Party lost to the True Path Party (DYP, *Doğru Yol Partisi*), Süleyman Demirel's successor to the Justice Party, and Demirel became prime minister of a DYP-led coalition government. Demirel also sought to marginalize Özal and did so quite effectively; with Yılmaz still at the head of the ANAP, Özal was left with little sway in the government and in his former party. Increasingly isolated and with more than three years left in his term, Özal died at the age of 66 in April 1993.

DEMIREL

After the death of Turgut Özal, Süleyman Demirel was elected by the Turkish Grand National Assembly to ascend to the presidency, becoming Turkey's ninth president in 1993. Demirel, having previously served as prime minister of Turkey seven times between 1965 and 1993, is, along with Özal and Mustafa İsmet İnönü, the only Turkish leader to have

served as both prime minister and president—a distinction that current Prime Minister Recep Tayyip Erdoğan has now gained.

Demirel was unseated as prime minister in the 1971 coup, although he gained the position of prime minister again in 1975, serving with coalition partners until he was once more forced out of office in 1980 by the Turkish military. He was banned from politics for ten years, although a national referendum in 1987 lifted the ban and allowed him to return to politics, regaining the premiership in 1991.

As the president of Turkey during a coalition government between his former center-right DYP and the leftist Social Democratic Populist Party (SHP, *Sosyaldemokrat Halk Partisi*), Demirel tried to lead both the state and his party from the presidency, following in the footsteps of Özal. However, Demirel, like Özal, saw the implosion of his party after he assumed the mantle of the presidency. With no effective leader to take Demirel's place as the head of the DYP, the party gradually weakened, eventually falling out of the ruling coalition altogether.

The new Prime Minister and leader of the DYP Tansu Çiller was not a pliant prime minister through which Demirel could exercise his authority. Demirel's presidency saw fractured and short-lived governments. In 1996, the DYP-SHP coalition collapsed, to be replaced with a coalition between the DYP and the nationalist and center-right ANAP, led by Mesut Yılmaz. The short-lived DYP-ANAP coalition was replaced in 1996 by a coalition between the DYP and the Islamist Welfare Party (RP, *Refah Partisi*), a precursor to today's AKP, led by Necmettin Erbakan.

In 1997, the Turkish military forced the resignation of the DYP-RP government, though Demirel mediated a soft landing. In the aftermath, RP was dissolved. Demirel was expected to form a new government under DYP leader Tansu Çiller, but surprised observers by asking Yılmaz and ANAP to form the new government, in coalition with Bülent Ecevit of the Democratic Left Party (DSP, *Demokratik Sol Parti*) and the newly formed Party for a Democratic Turkey (DTP, *Democrat Türkiye Partisi*), created by former members of parliament from the DYP.²⁰

Rapid turnover in the Turkish government allowed Demirel to fill the vacuum. Especially active in the realm of foreign policy, Demirel oversaw new openings to the Balkans, the Caucasus, and Central Asia, particularly Azerbaijan, where Demirel became aware of a coup attempt plotted against Azeri president Heydar Aliyev in 1995, and alerted the Azeri government. The instability in Turkish government prompted Demirel to advocate for a presidential system in Turkey, saying: "I have seen six governments in four years of my time. From this picture, something is not right here. The Executive should be independent from the Legislative, and the Legislative and the Judiciary together have to be able to check and balance the Executive appropriately. This can be succeeded only in presidential system."²¹

Toward the end of Demirel's presidency, both Demirel and then-Prime Minister Bülent Ecevit, attempted to pass a constitutional amendment that would allow Demirel, who was

described as a “factor for stability” by Ecevit, to run for a second presidential term.²² The measure received only 303 votes in the parliament, falling short of the two-thirds majority of 367 votes needed to pass the amendment.

With his amendment failing, Demirel left office in 2000, succeeded by Ahmet Necdet Sezer. As his party weakened without his leadership over the course of his presidency, the DYP failed to overcome the 10 percent threshold to enter parliament in the 2002 presidential elections.

An Erdoğan Presidency

The Presidential Election

Prime Minister Erdoğan won Turkey's August 10, 2014, presidential election with 51.8 percent of the vote, enough to avoid a second-round election. His challengers, joint CHP-MHP (National Movement Party) candidate Ekmeleddin İhsanoğlu and Selahattin Demirtaş of the pro-Kurdish People's Democratic Party, earned 38.5 and 9.8 percent of the vote, respectively.

The August 10 vote marks Turkey's first direct presidential election. Previous presidents were elected by the Turkish parliament; however, a 2007 referendum amended the constitution to have future presidents elected by a popular vote.

While Erdoğan swept the presidential elections, his victory was less impressive than originally projected. Polling data going into the elections had Erdoğan poised to win with anywhere between 55 and 57 percent of the vote.²³ The discrepancy between the polls and the final result suggests that AKP supporters might have manipulated them in order to discourage CHP and MHP voters from voting by convincing them of the inevitability of Erdoğan's victory. Whether or not this was the case, voter turnout was indeed quite low by Turkish standards, where voting is mandatory though the law is rarely enforced. With only 75 percent of eligible voters casting a ballot for president, this election recorded the lowest participation in any national election since 1977 and a drastic decrease from the 90 percent turnout seen in Turkey's local elections in March.²⁴ Another possible factor contributing to the low participation rate might have been the timing of the election: held in mid-August when many Turks vacation and might not want to return home to vote in their assigned polling places. Still, given the unique nature of this election—the first direct election for president—and the growing polarization that has characterized Turkish politics for at least the past year, the low turnout is puzzling. Ipsos data indicates that 7.7 million people who chose not to vote in the March 30 local elections also voted in the presidential election. Erdoğan would have received an additional 2.4 million votes (52.7 percent of the theoretical vote) to İhsanoğlu's two million and Demirtaş's 150,000.²⁵

Undaunted, a victorious Erdoğan portrayed the result as not just a victory but a unification of ruled and ruler. Referring to seat of Turkey's presidency, Çankaya Place, he proclaimed: "[W]ith the President elected directly by the citizens, all barriers between the people and Çankaya have been removed. Çankaya and the people have become one."²⁶ This formulation exceeds Erdoğan's usual majoritarian understanding of democracy, in which electoral victory bestows the legitimate power to govern without any limitations imposed by minority rights, balance of power, or rule of law. Instead, he suggests the metamorphosis of a pluralistic society, embodying a diversity of interests and intentions, into a harmonious whole through the electoral process. Thus recasting his election as a victory not for a

particular party or candidate, but for a transformative and total political vision. “Without a doubt, new Turkey, great Turkey, leading Turkey has won today,” a victorious Erdoğan intoned. “We are closing the doors on one era, and we are now taking our first step to a new phase.”²⁷ Ushering Turkey into this new phase will be Erdoğan himself.

To underscore this break with Turkey’s past, Erdoğan declared that he would not work out of Çankaya Palace, the seat of the Turkish presidency since the founding of the state by Atatürk. Instead, he is taking up residence and moving the presidential office to a new complex—named Aksaray, or “white palace”—that, in a further symbol of construction of a “New Turkey” on the remains of the Kemalist project, is situated on protected parklands first owned by Atatürk and later donated to the state.²⁸ The facility’s design, however, suggests that not everything about Erdoğan’s political vision is original: visually it looks back as much as forward. “We need to convey the message that Ankara is a Seljuk capital,” he told journalists when describing Aksaray. “We paid great attention to that. We paid attention to Ottoman themes in the interior, also adding elements reflecting the modern world.”²⁹

Aksaray’s symbolism does not end there. It is also a testament to sort of president Erdoğan aspires to be: a powerful one. The complex was originally intended for the prime minister—a position with greater authority under the Turkish constitution—but has been taken over by President Erdoğan while the new prime minister has been relegated to Çankaya, which has traditionally housed the second-most powerful figure in Turkish politics. And it is not just the prime minister who is being subjugated by Erdoğan’s move to Aksaray, he is running roughshod over the judiciary, too. Sited in an environmentally protected zone, Turkey’s highest court earlier this year ordered construction to be suspended—a directive blatantly ignored by Erdoğan. “Let them tear it down if they can,” he mocked the judges. “They ordered suspension, yet they can’t stop this building. I’ll be opening it; I’ll be moving in and using it.”³⁰

President Erdoğan, Prime Minister Davutoğlu

Erdoğan’s “New Turkey” comes hand in hand with a new AKP. Former President, and one of the AKP’s original founders, Abdullah Gül departed—or, perhaps more accurately, was forced out—of Turkey’s political scene. Another AKP founder, Deputy Prime Minister Bülent Arınç, was able to retain his position despite rampant speculation that he would be forced out for his loyalty to Gül. Meanwhile, Ahmet Davutoğlu, who only became foreign minister in 2009, has been elevated to prime minister.

In the months leading up to the presidential elections, then-President Gül found himself increasingly sidelined by Erdoğan and Erdoğan loyalists, saying that he “faced great disrespect from within his own camp.”³¹ A charismatic leader with his own following, and a prevailing sense of being more moderate than Erdoğan, Gül was seen as butting heads with Erdoğan on issues of democracy, particularly freedom of the press and freedom of expression, though if he opposed Erdoğan’s policies, he do so rather ineffectively. Since Gül

had to forsake running for a second term so that Erdoğan could stand for the presidency, many assumed he would be rewarded with the prime minister's post. It was an arrangement Gül clearly hoped for. Immediately after the election, he announced his intention to stay involved in the party and politics, saying: "I was a founder of this party, its first prime minister and president. Of course I will return to my party when my presidency is over. It is only natural for me."³²

Yet, it was not to be. Perhaps Erdoğan worried that Gül would stand in the way of his ambitions to empower the presidency. After all, Gül told reporters: "I favor the parliamentary system. It can't be denied that a presidential system is also a democratic one, but only if there are checks and balances." Erdoğan moved quickly to block him from the new Turkish government.³³ The AKP announced that it would hold a special congress to elect a new party chairman and presumptive prime minister the day before Gül's presidential term was over, rendering him ineligible to run. This was interpreted as a deliberate attempt to undercut Gül; as Erdoğan pointedly said, "[T]his party was not established to provide a seat to anyone."³⁴

Blocking Gül from the prime ministry and party leadership, Erdoğan instead nominated then-Foreign Minister Ahmet Davutoğlu. Selecting Davutoğlu comes with numerous advantages: the architect of Turkey's foreign policy, Davutoğlu is a known personality and name, with the prominence required to lead the party into the 2015 parliamentary elections. With many of the hurdles facing Turkey—the conflict just across the border in Syria and now Iraq, a slowing economy due to lower foreign investments, a delicate balance with the Kurdish Workers' Party—originating from, or at least tied to, its foreign policy, Davutoğlu is the perfect scapegoat to deflect criticism away from Erdoğan should any of these challenges develop into more serious problems. And unlike Gül, Davutoğlu lacks his own faction and backing within the AKP. Deferential and disposable, Davutoğlu is a prime minister in a similar mold to Özal and Demirel's prime ministers: he will allow Erdoğan to continue to run Turkey from the seat of the presidency.

Indicating a continuation of the Erdoğan era, Davutoğlu's Cabinet is more or less identical to Erdoğan's—with a few important alterations. The two new deputy prime ministers, Yalçın Akdoğan and Numan Kurtulmuş, are known Erdoğan loyalists.³⁵ Akdoğan served as Erdoğan's chief political advisor while he was prime minister. Kurtulmuş was deputy chairman of the AKP and a former confidante and devotee of Erdoğan's mentor, Necmettin Erbakan, leader of the Islamist and now-defunct Virtue Party and prime minister from 1996 until he was ousted in the "post-modern" coup of 1997. After the Virtue Party's ban, two sections arose out of it: the reformist AKP and the traditionalist Saadet ("felicity") Party (SP). Kurtulmuş led SP from 2008 to 2010, before forming his own political party, which dissolved itself in 2012 and joined the AKP.

Prospects for a Strong Presidency

Erdoğan has made no secret of his desire to transform the Turkish constitution. While Erdoğan made constitutional reform a top priority during the 2011 parliamentary elections, a new Turkish constitution has been elusive for the AKP. The AKP thus far has carried out its vision of constitutional change through amendments, passing far-reaching reforms to Turkey's constitution by national referendum. However, the expiry of Erdoğan's tenure as prime minister has put constitutional reform firmly back on the agenda, seeking to formally institutionalize the position Erdoğan has informally built for himself as the "people's president."

To pass a constitutional amendment either a two-thirds majority in parliament must be passed outright or an amendment obtaining a three-fifths majority can be put to a national referendum, where it requires 50 percent approval to pass. If the AKP is to pass a new constitution, it needs a strong showing in the upcoming parliamentary elections in 2015, which may prove difficult to obtain.

Currently, the AKP holds 58 percent of the seats in parliament. Based on the recent presidential election, however, where Erdoğan used "state means and unjust media hegemony" to barely achieve 51.7 percent of the vote, it is unclear what the future will be for the "New Turkey."³⁶ If the AKP are unsuccessful, *Today's Zaman* writer Ihsan Yılmaz warns that "the AKP's authoritarian regime will collapse and its illegitimate laws may work against its members who have allegedly committed crimes."³⁷

However, even if the AKP is unsuccessful in propagating a new constitution, Erdoğan can still use the established powers of the presidency to influence Turkish politics. In particular, these powers include chairing Cabinet meetings, issuing governmental decrees, vetoing laws, calling for early elections, and appointing the head of the general staff, the board of higher education, university presidents, members of the Constitutional Court, and the Supreme Board of Judges and Prosecutors (HSYK, *Hâkimler ve Savcılar Yüksek Kurulu*). Though Erdoğan technically has to give up his AKP affiliation upon assuming the presidency, his history and clout in the party will certainly influence others in various political settings throughout Turkey.³⁸

In addition to expanding the powers of his own office, Erdoğan has sought to undermine the institutions that could act as a check against his excesses—namely, the Turkish judiciary. Since the December 2013 corruption probes, Erdoğan has sought to undermine the judiciary, passing legislation intended to bring it further under executive influence by restructuring HSYK, the body that decides the appointments and promotions for judicial positions.³⁹ Then-Prime Minister Erdoğan justified such moves by arguing that a "parallel structure" associated with Fethullah Gülen's movement had infiltrated the police force and the judiciary and was behind the corruption investigation, which Erdoğan described as a "coup attempt" against his government and party.⁴⁰

More recently, Erdoğan has been able to reap the benefits of this structural change by cherry-picking members of the influential HSYK judicial body. On October 12, 2014, roughly 14,000 judges and prosecutors voted for ten primary and five alternate HSYK members.

Ahead of the elections, the AKP campaigned heavily, seeking to stack the court with its own supporters, needing five more AKP supporters on the board to have a majority. Justice Minister Bekir Bozdag announced that the government would raise the salaries of judges and prosecutors by 1,155 Turkish liras (around \$520), announcing: “[T]his is the Turkish judiciary. We will never allow it to become the judiciary of Fethullah Gülen.”⁴¹

The government-backed list, known as the Unity in the Judiciary Platform (YBP, *Yargıda Birlik Platformu*) scored an overwhelming victory in the October 12 elections, gaining eight out of the ten permanent seats.⁴² “Independents,” candidates affiliated with the Gülen movement, won only two seats.⁴³ Out of the 22-member board, four members are directly appointed by the president, giving Erdoğan an additional opportunity to pack the board with his supporters. On October 25, Erdoğan appointed four new members to the board, three of whom had direct affiliations with the AKP.⁴⁴ With these appointments, the names of all 22 HSYK members have been finalized, a board dominated by pro-government figures. “This HSYK is the AKP’s HSYK,” said an MHP deputy, following the final appointments.⁴⁵

HSYK is the administrative heart of Turkey’s judicial system. HSYK oversees the legal curriculum for students, admission into the profession, as well as the appointment, promotion, and disciplining of judges and prosecutors. As Turkey’s judicial system does not include juries, judges are the sole arbitrator of all legal cases. Thus, HSYK’s control over the selection of judges grants it de facto sway over the administration of justice. Its independence is, therefore, a central component of Turkey’s system of checks and balances. The reforms pushed forward by the Erdoğan government, however, undermine the separation of powers.

With control over HSYK, Erdoğan can effectively control Turkey’s judicial system from the executive, presiding over appointments and disciplinary action against judges and prosecutors, and thus ultimately impacting and shaping judicial decision-making.

Erdoğan recently took another step towards a de facto presidential system: establishing his own shadow cabinet. Passed through secret decree, Erdoğan expanded the structure of the presidential office, increasing the number directorate-generals from four to thirteen. Previously only in charge of administrative and financial affairs, institutional communication, informatics technologies, and human resources, the expanded presidential office will have departments paralleling the Turkish cabinet, covering homeland security, external relations, economy, defense, investment monitoring, energy, and social affairs.

This shadow cabinet will work directly under President Erdoğan, monitoring the work of the prime minister’s cabinet. By showcasing the president engaging in activities and topics that historically have been in the purview of only the prime minister, Erdoğan appears to be laying the groundwork and preparing the Turkish public for a new, more powerful presidential system.

Conclusion

There does indeed need to be constitutional reform in Turkey, but not reform that enhances the power of the president. Such reforms appear to be intended solely for the benefit of Erdoğan and the AKP. Yet, the similarities between Erdoğan's rise and that of Özal should be a warning to the AKP.⁴⁶ Constitutional change will be hard to engineer, and in the absence thereof, an intraparty power struggle of some sort seems likely. Moreover, an Erdoğan presidency may galvanize the opposition ahead of next year's parliamentary elections, and AKP leaders may increasingly come into conflict with Erdoğan once he leaves the assembly. Because Erdoğan is no longer a member of a political party as president, Davutoğlu declared, "Now I am the interlocutor [for the opposition parties]," insisting that the opposition address him rather than Erdoğan.

"Which direction Turkey's domestic political development follows," the Foreign Policy Project's Turkey Task Force wrote last fall, "is an increasing concern not just for Turks but also for the United States. Practically, this means that Washington should be open with Ankara about its concerns about issues like press freedom, freedom of assembly, rule of law, and the Turkish government's increasing sectarianism."⁴⁷ Unfortunately, since then, all of these values have suffered. In many areas, Turkey's democratic progress has been reversed, undermining central pillars of democracy: separation of powers, checks and balances, government accountability to voters, freedom of speech. With the AKP's victory in the March 30 local elections and Erdoğan's ascendance to the presidency, this authoritarian momentum has only increased.

There remains the possibility that Erdoğan will succeed in shepherding a new constitution through the legislature and establishing a presidential system. But, given the powers the Turkish constitution already grants the president, the historical precedent of strong presidents, and Erdoğan's pursuit of legal changes that grant the government ever-greater powers, it no longer seems necessary for him to do so to achieve his goal of becoming—on the eve of the Turkish Republic's centenary—this century's Atatürk.⁴⁸

Endnotes

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